

1 Derek J. Emge (SBN 161105)
2 EMGE & ASSOCIATES
3 225 Broadway, Suite 1350
4 San Diego, CA 92101
Telephone: (619) 595-1400
Facsimile: (619) 595-1480

5 Issa J. Michael (SBN 184256)
6 THE MICHAEL LAW FIRM
7 1648 Union Street, Suite 201
San Francisco, CA 94123
Telephone: (415) 447-2833
Facsimile: (415) 447-2834

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9 Attorneys for Plaintiffs JOSUE SOTO, Individually and On Behalf of
All Others Similarly Situated, and on Behalf of the General Public
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11 **IN THE UNITED STATES DISTRICT COURT**
12 **SOUTHERN DISTRICT OF CALIFORNIA**

13 JOSUE SOTO, GHAZI RASHID,
14 MOHAMED ABDELFAH, Individually
15 and On Behalf of All Others Similarly
16 Situated, and on Behalf of the General
Public,

17 Plaintiffs,

18 v.

19 DIAKON LOGISTICS (DELAWARE),
20 INC., a Foreign Corp.; and DOES 1 through
21 50, Inclusive,

22 Defendants.
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Case No. 08-CV-0033-L (WMc)
Complaint Filed: December 5, 2007

CLASS ACTION

**DECLARATION OF ISSA J. MICHAEL
IN SUPPORT OF PLAINTIFFS' MOTION
FOR CLASS CERTIFICATION**

Special Briefing Schedule Ordered

DATE: January 14, 2013
TIME: 10:30 a.m.
JUDGE: Hon. M. James Lorenz
CRT. RM. 14

1 I, Issa J. Michael declare as follows:

2 1. I am an attorney, licensed to practice law in the State of California, and counsel of
3 record for Plaintiffs and the putative class in this matter. I am duly admitted to practice before all
4 courts of the State of California. The following facts are within my personal knowledge and if
5 called to testify, I could and would competently testify thereto.

6 2. I am a 1996 graduate of the University of San Francisco School of Law, admitted
7 to practice before the United States District Court, Southern, Central, Northern and Eastern
8 Districts and all California State Courts. I was admitted to the California Bar in 1996 and began
9 practicing law immediately thereafter. From the commencement of my career to the present, I
10 have worked exclusively as a civil litigation and trial attorney.

11 3. I am a member of the San Francisco Trial Lawyers Association and Consumer
12 Attorneys of California. In my practice, I currently represent plaintiffs only in employment
13 litigation, class action litigation, and personal injury litigation. I have tried more than ten cases to
14 a jury to verdict as well as several bench trials. I am confident that my qualifications and
15 competence as an attorney will be more than adequate to represent the proposed class.

16 4. I have associated with the law firm of Emge & Associates for the prosecution of
17 this action. Jointly with this firm, I have commenced a vigorous litigation in this matter, including
18 extensive motion practice, the request for, production of and review of thousands of pages of
19 documents, and depositions of class representatives, Diakon's president, regional managers, and
20 former and present owner/operators. We are fully prepared to continue our vigorous pursuit of this
21 case and to try it to conclusion.

22 5. I have no conflicts of interest or antagonism with the proposed class and I will
23 fairly and adequately protect the interests of the class.

24 6. I have sufficient capital to fund this case to its conclusion. Additionally, I have
25 sufficient legal staff to undertake all aspects of the litigation.

26 7. I have undertaken this case on a contingency basis and the time I have spent and
27 the expenses I have incurred have not yet been compensated. If appropriate at the conclusion of
28 this litigation, I will be prepared to demonstrate to the Court all time spent on the prosecution of

1 this matter as well as all non-taxable costs incurred. My reasonable hourly rate for my billable
2 time on this wage and hour class action is \$400. I understand that this rate is consistent with the
3 rates of class counsel litigating cases in the Southern District.

4 I declare, under penalty of perjury under the laws of the United States of America, that the
5 foregoing is true and correct as to my own knowledge.

6 Executed this 26th day of October 2012 in San Francisco, California.

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ISSA J. MICHAEL